



A BILL FOR AN ORDINANCE

RELATING TO THE HOUSING CODE.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to authorize the City to remove nuisances outside of a home.

The Council finds that premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials and similar materials or conditions constitute fire, health or safety hazards, and that the removal of such nuisances are necessary and desirable for the health, safety and welfare of the residents of the City.

It is the Council's intent that the amendments herein will allow the City to remove such nuisances if the party responsible for such nuisances fails or otherwise refuses to do so.

SECTION 2. Section 27-2.1, Revised Ordinances of Honolulu 1990, as amended ("Definitions"), is amended by adding a new definition of "building official" and amending the definition of "nuisance" to read as follows:

"Building official" means the director of the department of planning and permitting, or the director's duly authorized agent.

"Nuisance." The following [shall be] are defined as nuisances:

- (1) Any public nuisance known at common law or in equity jurisprudence;
- (2) Any attractive nuisance which may prove detrimental to children whether in a building or on the premises of a building or upon an unoccupied lot. This includes any abandoned wells, shafts, basements or excavations; abandoned refrigerators and motor vehicles; or any structurally unsound fences or structures or any lumber, trash, fences, debris or vegetation which may prove a hazard for inquisitive minors;
- (3) Whatever is dangerous to human life or is detrimental to health, as determined by the health officer;
- (4) Overcrowding a room with occupants;
- (5) Insufficient ventilation or illumination;



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- (6) Inadequate or unsanitary sewerage or plumbing facilities;
- (7) Uncleanliness, as determined by the health officer; [and]
- (8) Whatever renders air, food or drink unwholesome or detrimental to the health of human beings, as determined by the health [officer.] officer; and
- (9) Premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials and similar materials or conditions constitute a threat to the health, safety and/or welfare of the neighbors."

SECTION 3. Section 27-10.5, Revised Ordinances of Honolulu 1990, as amended ("Violation—Penalty"), is amended by amending subsection (d) to read as follows:

"(d) Administrative Enforcement. In lieu of or in addition to enforcement pursuant to subsection (c), if the building official determines that any person, firm, or corporation is not complying with a notice of violation, the building official may have the party responsible for the violation served, by mail or delivery, with an order pursuant to this section.

- (1) Contents of Order.
 - (A) The order may require the party responsible for the violation to do any or all of the following:
 - (i) Correct the violation within the time specified in the order;
 - (ii) Pay a civil fine not to exceed \$1,000.00 in the manner, at the place and before the date specified in the order;
 - ~~(iii) Pay a civil fine not to exceed \$1,000.00 per day for each day in which the violation persists, in the manner and at the time and place specified in the order.~~
 - (B) The order must advise the party responsible for a violation involving a nuisance existing outside of a building that failure to correct the violation within the time specified in the order may result in the city entering upon the premises to remove, destroy or abate the nuisance at such party's expense.



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[(B)] (C) The order [shall] must advise the party responsible for the violation that the civil fines, if unpaid within the prescribed time period, can be added to specified fees, taxes, or charges collected by the city. After recordation of a notice of unpaid civil fines in the bureau of conveyances, the amount of the civil fine, including enforcement costs, will constitute a lien on the property.

[(C)] (D) The order [shall] must advise the party responsible for the violation that the order [shall] will become final 30 calendar days after the date of its delivery. The order [shall] must also advise that the building official's action may be appealed to the building board of appeals.

- (2) Effect of Order; Right to Appeal. The provisions of the order issued by the building official under this section [shall] will become final 30 calendar days after the date of the delivery of the order. The party responsible for the violation may appeal the order to the building board of appeals as provided by the building code. The appeal must be received in writing on or before the date the order becomes final. However, an appeal to the building board of appeals [shall] does not stay any provision of the order.
- (3) Judicial Enforcement of Order. The building official may institute a civil action in any court of competent jurisdiction for the enforcement of any order issued pursuant to this section. Where the civil action has been instituted to enforce the civil fine imposed by said order, the building official need only show that the notice of violation and order were served, that a civil fine was imposed, the amount of the civil fine imposed and that the fine imposed has not been paid.
- (4) Failure to Correct Certain Nuisances. Upon the failure of the party responsible for a violation involving a nuisance existing outside of a building to correct such violation within the time specified in the order, the building official may notify the director of the appropriate city department, and that director and the director's authorized representatives may enter upon the premises and cause the removal, destruction or abatement of the nuisance thereon at the expense of the party responsible for the violation; provided that an order of a court authorizing such entry is first obtained in accordance with Section 27-10.1. The building official shall establish criteria and procedures for the removal, destruction or abatement of such nuisances by rule adopted in accordance with HRS Chapter 91."



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SECTION 4. Ordinance material to be repealed is bracketed. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the brackets, the bracketed material, or the underscoring.

SECTION 5. This ordinance takes effect upon its approval.

INTRODUCED BY:

Ann Kawayishi

DATE OF INTRODUCTION:

JAN 23 2014

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20____.

KIRK CALDWELL, Mayor
City and County of Honolulu

FILED

JAN 23 2016

PURSUANT TO ROH Sec. 1-2.4